

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

M.B.,)	
)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	No. 3:16-cv-02063
DR. WENDY LONG, in her official)	
capacity as Deputy Commissioner of)	Judge Campbell
the Tennessee Department of Finance &)	Magistrate Judge Newbern
Administration and Director of the)	
Bureau of TennCare, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	

DEFENDANTS' MOTION TO DISMISS

Pursuant to FED. R. CIV. P. 12(b)(1) and 12(b)(6), for the reasons set forth in the accompanying Memorandum, Defendants respectfully move for an order dismissing this case with prejudice for lack of jurisdiction and failure to state a claim upon which relief may be granted.

September 27, 2016

Respectfully submitted,

Herbert H. Slatery III
Attorney General and Reporter

/s/Michael W. Kirk
Michael W. Kirk
Nicole J. Moss

Linda A. Ross, TN BPR #4161
Senior Deputy Attorney General
Carolyn E. Reed, TN BPR #022248
Senior Counsel

COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
mkirk@cooperkirk.com

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 20207
Nashville, TN 37202
(615) 741-1771

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon all counsel of record on this 27th day of September, 2016, via the Court's Electronic Case Filing system.

/s/Michael W. Kirk
Michael W. Kirk